

REMARKS/DISCUSSION:

This Amendment G is being filed within two months after the shortened statutory period for response that ended on March 28, 2007 (. Accordingly, a Petition for a Two-Month Extension of Time is included as part of the electronic filing herewith.

This Amendment G is in response to a telephone discussion between the undersigned and Examiner Philogene on May 9, 2007. The undersigned and the Examiner discussed:

1. In the Office Action dated 4/11/2006, the former Examiner indicated that claims 25-27, 29, 33 and 34 were allowable subject matter, but objected to as being dependent upon a rejected base claim (page 3 of Office Action);
2. In response to the indication of allowable subject matter, the Applicant filed an Amendment F dated October 11, 2006 and amended claim 23 to include the subject matter of claim 25 and intervening claim 24 (page 2 of Amendment F);
3. In response to Amendment F, Examiner Philogene issued the current Office Action dated 12/28/2006, and, notwithstanding the former Examiner's previous indication of allowable subject matter of claim 25 (now incorporated into claim 23), again rejected claim 23 under a nonstatutory double patenting rejection;
4. Examiner Philogene stated in the 12/28/2006 Office Action that the "incorporation of the subject matter of claim 25 in claim 23 in the application did not overcome the rejection of the last Office Action". (page 5 of Office Action);
5. During the telephone discussion, the undersigned indicated that the amendment to claim 23 was unnecessary in view of the current rejection to claim 23, and Applicant never would have made such an amendment; and

6. Examiner Philogene and the undersigned agreed to amend the claims to put the claims in the same condition as submitted in Amendment E, filed on March 20, 2006.

By this Amendment G, claims 23, 26-27, 29 and 32-34 remain pending in this application. Claims 35 and 36 have been added, which contain the subject matter of previously canceled claims 24 and 25, respectively. Claim 23 has been amended to delete the subject matter of claim 25, which was previously objected to, and intervening claim 24. Claim 26 has been amended to be dependent upon claim 35 (formerly claim 24) as was previously indicated in Amendment E.

Amendment and/or cancellation of claims is not to be construed as a dedication to the public of any of the subject matter of the claims previously presented. Further, Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications. Further, amendment of the claims is in no way to be construed that Applicants acquiesce to the double patenting rejections entered by the Examiner in the pending Office Action.

Applicant has carefully studied the outstanding Office Action. This Amendment G is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Rejection under Double Patenting

Claims 23, 26, 27, 29 and 32-34 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,436,115. A terminal disclaimer is filed herewith to overcome the rejection.

Claims 23, 26, 27, 29 and 32-34 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,328,751. A terminal disclaimer is filed herewith to overcome the rejection.

Claims 23, 26, 27, 29 and 32-34 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,309,400. A terminal disclaimer is filed herewith to overcome the rejection.

In accordance with the Examiner's remarks regarding claim 25 (now claim 36), the above referenced terminal disclaimers also pertain to new claims 35 and 36 (formerly 24 and 25, respectively).

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Conclusion

Applicant submits that in view of the claim amendments, the rejections have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END0778/VEK.

Respectfully submitted,

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